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3 BILL NO. G-72-12-06 - AMENDED
4

5 GENERAL ORDINANCE NO. G- 01-73

6 AN ORDINANCE dealing with abandoned,
7 vacated or converted motor vehicle
filling and service stations.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
9 INDIANA:

10 SECTION 1. During the period when a motor vehicle filling
11 and service station is vacated, closed, or otherwise not opened for
12 business for more than sixty (60) consecutive days, the owner
13 or lessee thereof shall be subject to complying with the follow-
14 ing regulations:

- 15 a) Vehicular parking and storage shall be prohibited
16 at all times anywhere on the premises, and the owner
17 or lessee shall post a sign or signs on the premises
18 giving notice that all parked or stored vehicles are
19 subject to ticketing and removal by the City at the
20 vehicle owner's expense. In addition, the owner or
21 lessee, whoever is in possession, is subject to ticket-
22 ing if unlawfully, parked or stored vehicles are permitted
23 on the premises by consent of owner or lessee. The City
24 shall have the right of entry to said property for the
25 purpose of accomplishing said ticketing and removal.
- 26 b) The ground shall be kept free of rubbish and debris, the
27 sidewalks shall be kept free of snow, and the grass,
28 if any, shall be well kept and cut as necessary so
29 as to present a neat and attractive appearance at all
30 times.
- 31 c) The owner shall maintain a record of the name and address
32 of the person or firm who cleaned the premises and
33 removed the debris; such record shall be made available
34 to the inspectors of the Board of Public Works; and
35 further, each entry in said record shall be kept at
least one year.

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3 PAGE 2.

4 SECTION 2. Within sixty (60) days of such closing all
5 curb cuts across the driveway entrances and all other points of
6 ingress and egress to the premises shall be closed by the owner
7 or lessee to vehicular traffic by properly placed and secured
8 precast concrete wheel stops or the equivalent, as may be approved
9 by the Board of Public Works.

10 SECTION 3. A motor vehicle filling and service station
11 which is vacant, closed, or not opened for business for a period
12 of one hundred eighty (180) consecutive days or which is not
13 operating for a lesser period if intention to abandon is evidenced
14 by removal of pumps or other such facilities or other such action,
15 shall be prima facie deemed abandoned. An owner of an abandoned
16 motor vehicle filling and service station is subject to notice
17 from the Board of Public Works directing the razing, demolition,
18 and removal of all buildings, structures, pumps and signs
19 situated upon the premises, together with the removal of all
20 underground storage tanks or their filling with inert material.
21 Said razing and removal is to be accomplished within sixty (60)
22 days from date of said notice. Owner shall complete said demo-
23 lition, leaving the premises free from rubbish and debris, and
24 shall properly backfill all excavation areas. Owner shall have
25 the right, in lieu of complying with the demolition order, to
26 petition Board of Public Works of the City of Fort Wayne within
27 thirty (30) days showing cause why said motor vehicle filling and
28 service station should not be considered abandoned, and a sixty
29 (60) day extension of the demolition order shall be granted by
30 said Board so that the station may be reopened or converted to
31 an alternate business use. No more than two (2) sixty (60)
32 day extensions shall be granted. The said Board of Public Works
33 shall, in making its finding, take into consideration but not
34 necessarily be limited to, the following criteria:
35

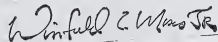
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3 PAGE 3

- 4 a) Prospects for alternate or future use.
5 b) Pending litigation or condemnation affecting subject
6 property.
7 c) Pending or contemplated road changes.
8 d) Character and trends of development in the neighborhood.
9 e) Pending sale or lease transactions concerning
10 subject property.

11 SECTION 4. If, within the one hundred eighty (180) consecutive
12 day period heretofore referred to, the property has been sold or
13 leased for alternate business purposes and an affidavit to this
14 effect has been filed with the said Board of Public Works, then
15 demolition shall be deferred.

16 SECTION 5. If any part, parts, section, sections, provision,
17 clause or portion of this ordinance shall be adjudged invalid or
18 unconstitutional, such invalidity or unconstitutionality shall not
19 affect the validity or constitutionality of this ordinance as a
20 whole or of any other part, section, clause, provision, or portion
21 of this ordinance.


22 SECTION 6. This Ordinance shall be in full force and
23 effect from and after its passage, approval by the Mayor, and
24 legal publication thereof.

25 

26

Councilman

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35 Approved as to form and legality
this 9th day of January, 1973.

By: 
John H. Logan, Attorney for City
Council.

Read the first time in full and on motion by Moses seconded by

V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.)

Date: 12/5/72 Charles W. Wintermann
CITY CLERK

Read the third time in full and on motion by Stier seconded by Talarico and duly adopted, placed on its passage. Passed (~~last~~) by the following vote:

| | AYES <u>9</u> | NAYS <u>0</u> | ABSTAINED _____ | ABSENT _____ | to-wit: |
|-------------|-------------------------------------|--------------------------|--------------------------|--------------------------|---------|
| Burns | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Hinga | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Kraus | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Nuckols | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Moses | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Schmidt, D. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Schmidt, V. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Stier | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Talarico | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Date 1-9-73 Charles W. Wintermann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 12-01-73 on the 9th day of January, 1973.

ATTEST: (SEAL)

Charles W. Wintermann William A. Moses Jr.
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of January, 1973 at the hour of 10:30 o'clock A.M., E.S.T.

Approved and signed by me this 12th day of January, 1973 at the hour of 4:00 o'clock P.m., E.S.T.

James A. Hendry
MAYOR

Bill No. G-72-12-06 (AMENDED)

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance

dealing with abandoned, vacated or converted motor

vehicle filling and service stations

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS. *as amended*

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier
Eugene Kraus Jr.
Samuel J. Talarico
William T. Hinga
Vivian G. Schmidt

CONCURRED IN

DATE 1-9-73 CHARLES W. WESTERMAN, CITY CLERK

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4 BILL NO. G-72-12-06

5 GENERAL ORDINANCE NO. G-

6 AN ORDINANCE dealing with abandoned, vacated or converted
7 motor vehicle filling and service stations.

8
9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

10 SECTION 1. During the period when a motor vehicle filling and
11 service station is vacated, closed, or otherwise not opened for business
12 for more than sixty (60) consecutive days, the owner or lessee thereof
13 shall be subject to complying with the following regulations:

- 14 a) Vehicular parking and storage shall be prohibited at all times
15 anywhere on the premises and the owner or lessee shall post a
16 sign or signs on the premises, giving notice that all parked
17 or stored vehicles are subject to ticketing and removal by the
18 City at the vehicle owner's expense. In addition, the owner or
19 lessee, whoever is in possession, is subject to ticketing if
20 unlawfully, parked or stored vehicles are permitted on the
21 premises by consent of owner or lessee. The City shall have
22 the right of entry to said property for the purpose of accom-
23 plishing said ticketing and removal.
- 24 b) The ground shall be kept free of rubbish and debris, the side-
25 walks shall be kept free of snow, and the grass, if any, shall
26 be well kept and cut as necessary so as to present a neat and
27 attractive appearance at all times.
- 28 c) The owner shall maintain a record of the name and address of
29 the person or firm who cleaned the premises and removed the
30 debris; such record shall be made available to the inspectors
31 of the Board of Public Works; and further, each entry in said
32 record shall be kept at least one year.
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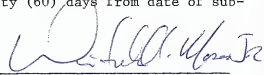
SECTION 2. Within sixty (60) days of such closing application shall be made by the owner or lessee to the appropriate governmental agency to close said curb cuts and shall be diligently pursued by said owner or lessee and when required closing of curb cuts is granted, all curb cuts across the driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the appropriate agency.

SECTION 3. A motor vehicle filling and service station which is vacant, closed, or not opened for business for a period of one hundred eighty (180) consecutive days or which is not operating for a lesser period if intention to abandon is evidenced by removal of pumps or other such facilities or other such action, shall be prima facie deemed abandoned. An owner of an abandoned motor vehicle filling and service station is subject to notice from the Board of Public Works directing the razing, demolition, and removal of all buildings, structures, pumps and signs situated upon the premises, together with the removal of all underground storage tanks or their filling with inert material. Said razing and removal is to be accomplished within sixty (60) days from date of said notice. Owner shall complete said demolition, leaving the premises free from rubbish and debris, and shall properly backfill all excavation areas. Owner shall have the right, in lieu of complying with the demolition order, to petition Board of Public Works of the City of Fort Wayne within thirty (30) days showing cause why said motor vehicle filling and service stations should not be considered abandoned, and a sixty (60) day extension of the demolition order maybe granted by said Board so that the station may be reopened or converted to an alternate business use. No more than two (2) sixty (60) day extensions shall be granted. The said Board of Public Works shall, in making its finding, take into consideration but not necessarily be limited to, the following criteria;

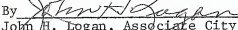
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4 PAGE 3

- 5 a) Prospects for alternate or future use.
6 b) Pending litigation or condemnation affecting subject property.
7 c) Pending or contemplated road changes.
8 d) Character and trends of development in the neighborhood.
9 e) Pending sale or lease transactions concerning subject property.

10
11 SECTION 4. If, within the one hundred eighty (180) consecutive
12 day period heretofore referred to, the property has been sold or leased
13 for alternate business purposes and an affidavit to this effect has been
14 filed with the said Board of Public Works, then demolition shall be deferred.
15 Approval of the City Plan Commission shall be received prior to any motor
16 vehicle filling and service station's being converted to any other use.
17 The Commission shall take into consideration all aspects of the proposed
18 development, including but not necessarily limited to, the type use, the
19 site plan, the exterior design, and the appearance of the development,
20 and shall process the proposal within sixty (60) days from date of sub-
21 mission to said City Plan Commission.

22 
23 Councilman

24 Approved as to form and legality

25 By 
26 John H. Logan, Associate City
27 Attorney
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Hoed.
Jan 8

Bill No. G-72-12-06

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance

dealing with abandoned, vacated or converted motor

vehicle filling and service stations

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do. PASS.

Winfield C. Moses, Jr. - Chairman

William T. Hinga - Vice-Chairman

Samuel J. Talarico

Eugene Kraus, Jr.

Donald J. Schmidt

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

| | |
|---|----------------------|
| BILL NO. | D-72-12-06 (amended) |
| ORDINANCE NO. | 61-73 |
| <input checked="" type="checkbox"/> REGULAR SESSION | 12-5-72 |
| SPECIAL SESSION | |
| APPROVED AS TO FORM AND LEGALITY | Langan |
| BILL WRITTEN BY | James |
| DATE INTRODUCED | 12-5-72 |
| REFERRED TO SAID STANDING COMMITTEE | Public Works |
| REFERRED TO CITY PLAN | |
| LEGAL PUBLIC HEARING | |
| LEGAL PUBLICATION | |
| JOINT HEARING | |
| DEPARTMENT HEARING | |
| HOLD FILE | |
| <input checked="" type="checkbox"/> PASS | 1-9-73 |
| DO NOT PASS | |
| WITHDRAWN | |
| SUSPENSION OF RULES | |
| PRIOR APPROVAL | |
| ORDINANCE TAKEN OUT OF OFFICE | |
| OTHER INSTRUCTIONS REGARDING ORDINANCE | |
| CORRECTIONS MADE TO ORDINANCE | |
| PEOPLE SPEAKING FOR ORDINANCE | |
| PEOPLE SPEAKING AGAINST ORDINANCE | |

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | COMMITTEE SHEET |
| <input checked="" type="checkbox"/> | VOTE SHEET |
| | PURCHASE ORDERS |
| | Original & amended copy of ordinance |
| | ORDERS, BILLS OR OTHER PAPERS TAKEN OUT AND BY WHOM |
| | LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY |
| | COMMUNICATIONS FROM |
| | ZONING MAPS |
| | ABSTRACTS |
| | TITLES |
| | PRIOR APPROVAL LETTER |

COUNCILMAN'S VOTE

| | AYES | NAYS | ABSENT |
|------------|------|------|--------|
| BURNS | X | | |
| HINGA | X | | |
| KRAUS | X | | |
| MOSES | X | | |
| NUCKOLS | X | | |
| D. SCHMIDT | X | | |
| V. SCHMIDT | X | | |
| STIER | X | | |
| TALARICO | X | | |

COMMENTS:

January 15, 1973

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of January 17 and January 24, 1973, in both the News Sentinel and Journal Gazette.

- RE: Legal Notice for Common Council of
Fort Wayne, Indiana, A Zoning Map
Ordinance amending the City of Fort
Wayne Zoning Map No. R-9.
Bill No. 2-72-11-06.
- RE: Legal Notice for Common Council of
Fort Wayne, Indiana, An Ordinance
dealing with abandoned, vacated or
converted motor vehicle filling
and service stations. Bill No.
C-72-12-06 - (AMENDED)

Please send us four (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/na
EWOL: 2

DATA FOR COMPUTING COST

Notice is hereby given that on the 9th day of January, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-01-73 General Ordinance, to-wit:

BILL NO. G-72-12-06 - AMENDED
GENERAL ORDINANCE NO. G-01-73
AN ORDINANCE dealing with abandoned, vacated or converted motor vehicles filling service stations.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. During the period when a motor vehicle filling and service station is closed, or otherwise not opened for business for more than sixty (60) consecutive days, the owner or lessee thereof shall be subject to complying with the following regulations:

(a) Vehicular parking and storage shall be prohibited at all times anywhere on the premises, and the owner or lessee shall post a sign or signs on the premises giving notice that all parked or stored vehicles are subject to ticketing and removal by the City of

the vehicle owner's expense. In addition, the owner or lessee, whoever is unlawfully, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner or lessee. The City shall have the right of entry to said property for the purpose of accomplishing said ticketing and removal.

(b) The ground shall be kept free of rubbish and debris, the sidewalks shall be kept free of snow, and the premises, if any, shall be well kept and cut as necessary to provide a neat and attractive appearance at all times.

(c) The owner shall maintain a record of the name and address of the person or firm who cleaned the premises and removed the debris; such record shall be made available to the inspectors of the Board of Public Works; and further, such record shall be kept at least one year.

SECTION 2. Within sixty (60) days of notice to close all other private way entrances and all other points of ingress to the premises shall be closed by the owner or lessee to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the Board of Public Works.

SECTION 3. A motor vehicle filling and service station which is vacated, closed, or not opened for business for a period of one hundred eighty (180) consecutive days or more is not operating for a lesser period if it intends to abandon its existing site, or removal of pumps or other such facilities or structures, such action, shall be prime factor in determining whether the abandoned motor vehicle filling and service station is subject to notice from the Board of Public Works directing the razing, demolition, and removal of all buildings, structures, pumps and signs situated upon the premises, together with the removal of all

single column 11 ems

insertions.....2

on and penalties of Ch. 89, Acts 1967,

the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

1973

underground storage tanks or their filling with inert material. Said razing and removal is to be accomplished within sixty (60) days from date of said notice. Owner shall complete said demolition, leaving the premises free from rubbish and debris, and shall properly backfill all excavation areas. Owner shall have the right, in lieu of complying with the demolition order, to petition Board of Public Works of the City of Fort Wayne within thirty (30) days showing cause why said motor vehicle filling and service station should not be considered abandoned, and a sixty (60) day extension of the demolition order shall be granted by said Board so that the station may be reopened or converted to an alternate business use. No more than two (2) sixty (60) day extensions shall be granted. The said Board of Public Works shall, in making its findings, take into consideration but not necessarily be limited to, the following criteria:

(a) Prospects for alternate or future use.

(b) Pending litigation or condemnation affecting subject property.

(c) Pending or contemplated road changes.

(d) Character and trends of development in the neighborhood.

(e) Pending sale or lease transactions concerning subject property.

SECTION 4. If, within the one hundred eighty (180) consecutive day period heretofore referred to, the property has been sold or leased for alternate business purposes and an affidavit to this effect has been filed with the said Board of Public Works, then demolition shall be deferred.

SECTION 5. If any part, part, section, sections, provision, clause or portion of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, section, clause,

Size of type.....5¹/₂.....pointSize of quad upon which type is cast.....5¹/₂.....

Title.....Clerk

A. M. Hostman

c in and for said county and state, the
who, being duly sworn, says
of the

general circulation printed and published
FORT WAYNE, INDIANA

and matter attached hereto is a true copy,
time 1973, the dates of publication being

17, 1973

24, 1973

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provision, or portion of this ordinance.
SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.
Winfield C. Moses, Jr., Councilman.

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:
Ayes 9, to-wit: Burns, Hinga, Kreuz, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico.
Nays, none.
Date 1-6-73.

Charles W. Westerman, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-01-73 on the 9th day of January, 1973.

ATTEST: (SEAL)
Winfield Moses Jr., Presiding Officer.
Charles W. Westerman, City Clerk.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of January, 1973, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk.
Approved and signed by me this 12th day of January, 1973 at the hour of 4:00 o'clock P.M., E.S.T.

Ivan A. Labamoff, Mayor.
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and correct copy of the General Ordinance No. G-01-73 passed by the Common Council on the 9th day of January, 1973, and that said Ordinance was fully signed and approved by the Mayor on the 12th day of January, 1973 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 15th day of January, 1973.

Charles W. Westerman, City Clerk.

1-17-74

Notary Public

1973

Common Council-City of Ft. Wayne
(Governmental Unit)To NEWS-SENTINEL Dr.Allen County, Ind.FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

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1641165

COMPUTATION OF CHARGES

165 lines.....columns wide equals.....equivalent lines at 288¢
cents per line\$ 47.52

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

(2)

1.00

TOTAL AMOUNT OF CLAIM

\$ 48.52

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ pointNumber of insertions 2Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date January 29, 1973Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

END DAILY 10-10

personally appeared before me, a notary public in and for said county and state, the

undersigned A. M. Hostman who, being duly sworn, saysthat She is Clerk of theNEWS-SENTINELDAILY

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for 2 time s, the dates of publication being as follows:January 17, 1973January 24, 1973Subscribed and sworn to before me this 29th day of January, 19 73

Notary Public

My commission expires October 25, 1975JACQUARD
DOUBLE KNITSNO-IRON
FABRIC

Common Council-City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

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164

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165

COMPUTATION OF CHARGES

165 lines columns wide equals equivalent lines at .288¢
cents per line

47.52

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

(2)

1.00

TOTAL AMOUNT OF CLAIM

48.52

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 $\frac{1}{2}$ point

Number of insertions 2

Size of quad upon which type is cast 5 $\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date January 29, 1973

Title CLERK

AFFIDAVIT

ss:

appeared before me, a notary public in and for said county and state, the

LARRY E. GERKEN who, being duly sworn, says

he is CLERK of the

JOURNAL-GAZETTE

DAILY

newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

January 17, 1973

January 24, 1973

Subscribed and sworn to before me this 29th day of January 1973

Notary Public

My commission expires October 25, 1975